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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11

12 BETTY JO MIDDLETON,  
13  
14 Plaintiff,  
15 v.  
16 COMMISSIONER OF SOCIAL  
SECURITY,  
17 Defendant.

CIVIL NO. 1:22-cv-01240-SKO

**STIPULATION AND ORDER TO  
EXPUNGE THE CERTIFIED  
ADMINISTRATIVE RECORD FILED ON  
DECEMBER 22, 2022, AND REPLACE  
WITH REDACTED VERSION**

**(Doc. 18)**

The parties to the above-captioned action, by and through their undersigned attorneys, hereby stipulate as follows:

1) Pages 507 through 510 of the Certified Administrative Record filed on December 22, 2022 (ECF No. 12) (“CAR”) have been determined to be confidential records pertaining to an individual other than Plaintiff. The undersigned Special Assistant United States Attorney informed Plaintiff’s attorney of this fact via email on April 5, 2023, and Plaintiff’s attorney has represented that he will delete and/or destroy any copies of the CAR that he and his colleagues may have in their possession.

2) Subject to the Court’s approval, all hard copies and electronic copies of the CAR will be destroyed and expunged by the Court, including the document available via the Case Management and Electronic Case Filing (CM/ECF) system.

3) A Supplemental CAR, with appropriate redactions, will be filed by the Defendant in this action, unless the parties agree to settle this matter, and will reflect that pages 507 through 510 pertain to an individual other than Plaintiff and have been removed.

4) The parties certify that the contents of pages 507 through 510 of the CAR will be destroyed and not disclosed to anyone not legally entitled to the information.

5) The inadvertent inclusion of pages 507 through 510 in the CAR will not be a basis for a claimed error.

Respectfully submitted,

Dated: April 6, 2023

/s/ Jonathan Omar Pena

JONATHAN OMAR PENA

Attorney for Plaintiff

\*Authorized via e-mail on April 5, 2023\*

PHILLIP A. TALBERT

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MATHEW W. PILE

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Social Security Administration

By: /s/ Timothy A. Razel  
TIMOTHY A. RAZEL  
Special Assistant United States Attorney  
  
Attorneys for Defendant

**ORDER**

Based upon the parties' foregoing Stipulation to Expunge and Replace Certified Administrative Record ("the Stipulation") (Doc. 18), IT IS HEREBY ORDERED that:

- (1) The Stipulation is GRANTED; and
- (2) The Clerk of Court is directed to remove the Certified Administrative Record filed on December 22, 2022 (Doc. 12) from the CM/ECF docket and destroy any hard copy of the same.
- (3) A Supplemental Certified Administrative Record will be filed by Defendant in order to replace the record previously filed **within fourteen (14) days of entry of this order**, unless the parties agree to settle the matter.

Nothing in this Order modifies the Scheduling Order entered on October 3, 2022 (Doc. 5), which remains in effect.

IT IS SO ORDERED.

Dated: **April 7, 2023**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE